



IPW

Delbert Lee Hartman  
68 Juniper Hills  
Edgewood, NM 87015

January 15, 2006

Application Number: 10/646,181

Commissioner for Patents  
US Department of Commerce  
US Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I am writing to request that you withdraw the holding of abandonment on application number 10/646,181.

I received a Notice of Abandonment dated December 30, 2005. A copy is attached. The Notice of Abandonment states the reason for the abandonment is failure to timely file a reply to the Office letter mailed on 17 December 2004. The document goes on to state that you did receive a reply on 28 February 2005, but it does not constitute a proper reply, or a bona fide attempt at a proper reply to the non-final rejection. A note follows (See explanation in box 7 below), but as you can see on the attached document, there is no explanation in box 7 below.

On receipt of this Notice of Abandonment, my associate spoke with Steve Cronin at the Patent Office, acting supervisor for Tuan Nguyen, Patent Examiner. Mr. Cronin stated that the reason for the Notice of Abandonment was that no response was received by the Patent Office for a Noncompliant Amendment, dated July 28, 2005.

I did reply to your notification of a Noncompliant Amendment, dated July 28, 2005. I had thirty days to reply, Monday August 29 since August 28 was a Sunday. I mailed my reply on August 17, 2005. The USPTO Mail Center received it on August 22, according to the signed return receipt confirmation that was mailed to me.

Per Steve Cronin's directions, I am enclosing a copy of my postage receipts and return receipt confirmation, verifying that my response to the Noncompliant

Amendment was mailed to and received by the Patent Office within the required thirty-day time frame. I am also enclosing a copy of the response I prepared to the Noncompliant Amendment.

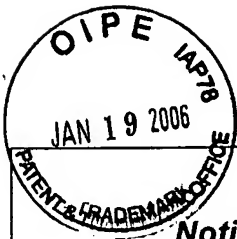
Thank you for your attention to this matter. Please let me know if you require any further documentation.

Sincerely,

A handwritten signature in cursive script, reading "Delbert L. Hartman". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Delbert Hartman

Enclosures



## Notice of Abandonment

Application No.

10/646,181

Examiner

Tuan N. Nguyen

Applicant(s)

HARTMAN, DELBERT LEE


Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 17 December 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☒ A reply was received on 28 February 2005 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
Tuan Nguyen  
Primary Examiner  
Art Unit: 3751  
12/22/05

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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AUG 22 2005  
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3. Service Type  
☐ Registered Mail  
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